

ASSEMBLY BILL

No. 1829

Introduced by Assembly Member Cook

(Coauthors: Assembly Members Anderson, Tom Berryhill, Chesbro, DeVore, Emmerson, Fletcher, Gilmore, Jeffries, Lieu, Nestande, Niello, Portantino, Silva, Smyth, and Audra Strickland)

(Coauthors: Senators Correa and DeSaulnier)

February 11, 2010

An act to repeal Section 648.1 of the Military and Veterans Code, and to amend Section 532b of the Penal Code, relating to military decorations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1829, as introduced, Cook. Military decorations: fraud.

Existing law provides any person who, orally, in writing, or by wearing any military decoration, falsely represents himself or herself to have been awarded any military decoration, as specified, with the intent to defraud, is guilty of an infraction.

This bill would instead provide that the offense is a misdemeanor and would exempt face-to-face solicitations involving less than \$10.

By increasing the penalty for an existing offense, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 648.1 of the Military and Veterans Code is repealed.

~~648.1. (a) Any person who, orally, in writing, or by wearing any military decoration, falsely represents himself or herself to have been awarded any military decoration, with the intent to defraud, is guilty of an infraction.~~

~~(b) For purposes of this section, "military decoration" means any decoration or medal from the Armed Forces of the United States, the California National Guard, State Military Reserve, or Naval Militia, or any service medals or badges awarded to the members of such forces, or the ribbon, button, or rosette of any such badge, decoration, or medal, or any colorable imitation of such item.~~

SEC. 2. Section 532b of the Penal Code is amended to read:

532b. (a) Any person who falsely represents himself or herself as a veteran or ex-serviceman of any war in which the United States was engaged, in connection with the soliciting of aid or the sale or attempted sale of any property, is guilty of a misdemeanor.

(b) Any person who falsely claims, or presents himself or herself, to be a veteran or member of the Armed Forces of the United States, with the intent to defraud, is guilty of a misdemeanor.

(c) (1) Any person who, orally, in writing, or by wearing any military decoration, falsely represents himself or herself to have been awarded any military decoration, with the intent to defraud, is guilty of a misdemeanor.

(2) For purposes of this subdivision, "military decoration" means any decoration or medal from the Armed Forces of the United States, the California National Guard, State Military Reserve, or Naval Militia, or any service medals or badges awarded to the members of those forces, or the ribbon, button, or rosette of that badge, decoration, or medal, or any colorable imitation of that item.

~~(e)~~

(d) This section does not apply to face-to-face solicitations involving less than ten dollars (\$10).

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school
2 district will be incurred because this act creates a new crime or
3 infraction, eliminates a crime or infraction, or changes the penalty
4 for a crime or infraction, within the meaning of Section 17556 of
5 the Government Code, or changes the definition of a crime within
6 the meaning of Section 6 of Article XIII B of the California
7 Constitution.

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